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Remarks

The Official Action mailed May 28, 2004 rejected claims 1-3 and 7-30 and objected to claims 4-6. Applicants have amended claims 1-4, 6-7, 9-10, 12-15, 19-24, 28-29, canceled claims 16-18, 25-27 and 30, and added claims 31-34. Claims 1-15, 19-24, 28-29 and 31-34 remain pending.

Allowable Claims

Applicants gratefully acknowledge the indication that claims 4-6 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 4 and 6 have been rewritten to include all of the limitations of the base claim and any intervening claims. Applicants' intention is to merely place claims 4 and 6 in independent form and not to narrow the scope of such claims beyond the scope as originally filed. Applicants, however, have elected to not rewrite claim 5 since claim 5 depends from allowable claim 4.

35 USC § 102 Claim Rejections (Clark)

The Official Action mailed May 28, 2004 rejected claims 1, 7-8, 10-12, 16-17 and 19-20 as being anticipated by Clark et al. (U.S. Patent No. 3,725,864). Claims 1, 7, 10, 12, and 19-20 have been amended and claims 16-17 have been canceled. Applicants respectfully request allowance of claim 1, 7-8, 10-12 and 19-20.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Official Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even

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one element or limitation is missing from the cited document, the Official Action has not succeeded in making a prima facie case.

Claims 7-8 include allowable claim 4 as a base claim and claims 10-11 include allowable claim 6 as a base claim. Claims 7-8 and 10-11 are therefore allowable. Applicants respectfully request the rejection of claims 7-8 and 10-11 be withdrawn.

Claim 1 requires dedication of a communication medium of a point-to-point communication array to each endpoint device that is coupled to a hub device via the point-to-point communication array. As a result of dedicating a communication medium to each endpoint device, the endpoint devices have exclusive access to their dedicated communication medium.

Clark shows devices 17 connected to control units 25 by cross point switches 26. Clark, however, does not disclose dedicating a communication medium to each endpoint device. In particular, Clark does not disclose activating the cross point switches 26 such that each device 17 has a dedicated communications path to the control units 25. The fact that Clark describes scheduling of channel programs in detail at column 14, lines 27-68 and delaying transactions until the channel becomes available further indicates that Clark does not dedicate a communication medium to each device 17 as required by claim 1.

Since Clark does not disclose each and every element of claim 1, Clark does not anticipate the invention of claim 1. Applicants respectfully request the rejection of claim 1 be withdrawn.

Claim 12, as amended, requires dedicating a first communication medium to a first endpoint device and a second communication medium to a second endpoint device. As discussed above, Clark does not disclose dedicating communication

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medium to device 27 but requires scheduling of channel programs in order to deal with the shared communication paths.

Since Clark does not disclose each and every element of claim 12, Clark does not anticipate the invention of claim 12. Applicants respectfully request the rejection of claims 12 be withdrawn.

Each of claims 19-20 includes claim 12 as a base claim. Accordingly, each of claims 19-20 is allowable for at least the reasons stated above in regard to claim 12. Additional points could be made in support of the allowance of claims 19-20. However, Applicants believe the above is sufficient to overcome the present rejection of claims 19-20 under Clark. Accordingly, such arguments will not be presented at this time so as to not burden the Examiner with the review of superfluous points. Applicants respectfully request that the rejection of claims 19-20 be withdrawn.

35 USC § 103 Claim Rejections (Clark)

The Official Action rejected claims 2, 9, 18, 25-27 as being unpatentable in view of Clark. Claims 2 and 9 have been amended and claims 18 and 25-27 have been canceled. Claim 2 includes claim 1 as a base claim. Accordingly, claim 2 is allowable for at least the reasons stated above in regard to claim 1. Similarly, claim 9 includes allowable claim 6 as a base claim. Claim 9 is therefore also allowable.

Additional points could be made in support of the allowance of claims 2 and 9. However, Applicants believe the above is sufficient to overcome the present rejection of claims 2 and 9 under Clark. Accordingly, such arguments will not be presented at this time so as to not burden the Examiner with the review of superfluous points. Applicants respectfully request that the rejection of claims 2 and 9 be withdrawn.

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35 USC § 103 Claim Rejections (Clark/Denning)

The Official Action rejected claims 3 and 15 as being unpatentable in view of Clark and Denning et al (US Patent 6,138,187). Claims 3 and 15 have been amended. Applicants respectfully request the rejection of claims 3 and 15 be withdrawn.

Claim 3 includes claim 1 as a base claim. Accordingly, claim 3 is allowable for at least the reasons stated above in regard to claim 1. Further, claim 3 requires a hub device to dedicate communication media to primary ports with coupled endpoint devices before dedicating communication media to non-primary ports with coupled endpoint devices. Denning appears to transfer data via a primary path or an alternate path based upon various criteria. However, Denning, as well as Clark, appear to provide no teaching of dedicating communication media to endpoint devices based upon whether devices are coupled to primary or non-primary ports as required by claim 3.

Since the proposed combination of Clark and Denning does not teach each and every element of claim 3, the proposed combination does not arrive at the invention of claim 3. Applicants respectfully request allowance of claim 3.

Claim 15 requires receiving an indication indicating that a non-primary port of a first endpoint device is coupled to a second communication media and dedicating the second communication to a second endpoint device based upon receiving the indication. As stated above, Clark and Denning appear to provide no teaching of dedicating communication media to endpoint devices based upon whether non-primary ports of a device are coupled to the communication media.

Since the proposed combination of Denning and Clark does not teach each and every element of claim 15, the proposed combination does not arrive at the invention of claim 15. Applicants respectfully request allowance of claim 15.

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If the Examiner wishes to maintain the present rejection of claim 3 or claim 15, Applicants respectfully request the Examiner to point out with more specificity (e.g. by column and line number) where the limitations of claims 3 and 15 are taught by Clark and/or Denning.

35 USC § 103 Claim Rejections (Clark/Lee)

The Official Action rejected claims 13-14, 28-30 as being unpatentable over Clark in view of Lee et al (US Patent 5,838,937). Claims 13-14 and 28-29 have been amended, and claim 30 has been canceled. Applicants respectfully request the rejection of claims 13-14 and 28-29 be withdrawn.

Each of claims 13-14 include claim 12 as a base claim. Accordingly, each of claims 13-14 is allowable for at least the reasons stated above in regard to claim 12. Further, claim 14 requires receiving an indication indicating that a primary port of a first endpoint device is coupled to a first communication media and dedicating the first communication to the first endpoint device based upon receiving the indication. However, Clark and Lee appear to provide no teaching of dedicating communication media to endpoint devices based upon whether a primary port of a device are coupled to the communication media. Since the proposed combination of Clark and Lee does not teach each and every element of claim 14, the proposed combination does not arrive at the invention of claim 14. Applicants respectfully request allowance of claim 14.

If the Examiner wishes to maintain the present rejection of claim 14, Applicants respectfully request the Examiner to point out with more specificity (e.g. by column and line number) where the limitations of claim 14 are taught by Clark and/or Lee.

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Claim 28 requires dedicating a first communication medium to an endpoint device based upon signals that indicate a device connectivity for endpoint devices. It appears that the Official Action is relying on Clark to provide such a teaching of dedicating communication medium to an endpoint device. However, as discussed above in regard to claim 1, Clark does not teach dedicating communication media to endpoint devices. Accordingly, the proposed combination does not arrive at the invention of claim 28. Applicants respectfully request the rejection of claim 28 be withdrawn.

Claim 29 includes claim 28 as a base claim. Accordingly, claim 29 is allowable for at least the reasons stated above in regard to claim 28. Additional points could be made in support of the allowance of claim 29. However, Applicants believe the above is sufficient to overcome the present rejection of claim 29 under Clark and Lee. Accordingly, such arguments will not be presented at this time so as to not burden the Examiner with the review of superfluous points. Applicants respectfully request that the rejection of claim 29 be withdrawn.

Newly Added Claims

Each of claims 31-32 includes claim 28 as a base claim and is therefore allowable for at least the reasons stated above in regard to claim 28. Similarly, each of claims 33-34 includes claim 12 as a base claim and is therefore allowable for at least the reasons stated above in regard to claim 12. Further, each newly added claims 31-34 includes additional novel and non-obvious limitations.

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Conclusion

The foregoing is submitted as a full and complete response to the Official Action mailed May 28, 2004. Applicants submit that all remaining claims are in condition for allowance. Reconsideration is requested, and allowance of all remaining claims is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-2221. If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-4198 is respectfully solicited.

Respectfully submitted,


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